THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5203 OF 2006

Dated: 17-03-2006

Between

Mandala Venkata Ramudu,

S/o. M. Venkanna,

Dyvalamadugu Village,

Rayalacheruvu (PO),

Yadiki Mandal,

Anantapur District.

...PETITIONER

AND

The Revenue Divisional Officer,

Anantapur, Anantapur District

and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in interfering with his peaceful possession and enjoyment over the land in an extent of 0.75 cents in Sy.No.414-A and 415 situated at Chandana Village, Yadiki Mandal, Anantapur District without initiating any proceedings for acquisition under the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary.

Learned counsel for the petitioner submits that the father of the petitioner purchased the land in an extent of 0.75 cents in Sy.No.414-A and 415 situated at Chandana Village, Yadiki Mandal, Anantapur District in the year 1970 and after his death the petitioner inherited the said land. He further submits that the petitioner also holds five acres and obtained pattadar passbook and title deeds bearing Patta No.157 showing an extent of Ac.3.79 cents in Sy.No.415 and an extent of Ac.1.93 cents in Sy.No.441-A. He further submits that though the petitioner is the owner and possessor the said land of 0.75 cents purchased by his father and obtained pattadar passbook in his name, the said land is sought to be taken away without following due procedure prescribed in law and the said land is not an assigned land or Government land but it is a patta land.

I am not inclined to express any opinion on the merits of the case, but, I am of the opinion that the respondents without following due procedure prescribed in law cannot dispossess the petitioner from the said land in question.

Having regard to the facts and circumstances of the case,
the respondents are directed not to dispossess the petitioner from the said land in question without following due procedure prescribed in law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 17, 2006

Note: Furnish C.C. of the order in two days

(**B/o**)

DSK